

William R. Levi (*pro hac vice*)
Rebecca K. Wood (*pro hac vice*)
Sidley Austin LLP
1500 K St. N.W.
Washington, DC 20005
(202) 736-8000
wlevi@sidley.com
rwood@sidley.com

Scott A. Kaplan (*pro hac vice*)
Sidley Austin LLP
60 State St., 36th Floor
Boston, MA 01209
(617) 223-0300
skaplan@sidley.com

Kurt Harris, Esq. (Utah Bar No. 14047)
Kurt Harris, Esq., P.C.
4730 South Fort Apache Rd., Ste. 400
Las Vegas, NV 89147
(702) 252-3838
kharris@702law.com

Counsel for Defendants

THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,
Plaintiff,

v.

EVIG, LLC d/b/a BALANCE OF NATURE, a
corporation, and DOUGLAS LEX HOWARD, an
individual,

Defendants.

**JOINT MOTION TO STAY
PREPARATION OF A CASE
SCHEDULE**

Case No. 4:23-cv-00089-DN-PK

District Judge David Nuffer
Magistrate Judge Paul Kohler

Defendants Evig, LLC, a corporation, and Douglas Lex Howard, an individual, and Plaintiff, the United States of America, (collectively, the “Parties”) hereby jointly request that the

Court stay all deadlines associated with the preparation of the case schedule, *see* ECF No. 10, until after it resolves the Parties' Joint Motion for Entry of Consent Decree for Permanent Injunction, *see* ECF No. 3. The Parties aver as follows:

1. The Parties have agreed to resolve the above matter with the entry of a Consent Decree of Permanent Injunction ("Consent Decree").
2. On October 12, 2023, the Parties moved the Court to enter a signed Consent Decree as its final order and judgment in this case. *See* ECF No. 3.
3. On October 18, 2023, the Court ordered the Parties to prepare a case schedule by filing an Attorney Planning Meeting Report and submitting a stipulated Proposed Scheduling Order within 28 days after any defendant has appeared or within 42 days after any defendant has been served with the complaint. *See* ECF No. 10.
4. Attorneys for the Parties have conferred and agreed that, if the Court agrees to enter the Consent Decree as its final order and judgment, a scheduling order will be unnecessary. Accordingly, the Parties agreed to submit this joint motion to stay all deadlines associated with the preparation of a case schedule until after the court resolves the Joint Motion for Entry of Consent Decree.

Dated: November 7, 2023

By: /s/ William R. Levi
William R. Levi

Counsel for Defendants

By: /s/ Sarah Williams
Sarah Williams

Attorney for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of November 2023, I electronically filed the foregoing motion with the Clerk of the Court. I also certify that a copy of the foregoing motion was served by the Court's electronic filing system on Counsel for Plaintiff.

/s/ William R. Levi _____

William R. Levi
1500 K St. N.W.
Washington, D.C. 20005
(202) 736-8000
wlevi@sidley.com

Counsel for Defendants